



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,941	03/23/1999	STEPHEN LEE SPEAR	CE03880R	9149

7590 02/26/2003  
CHARLOTTE B WHITAKER  
MOTOROLA INC  
1303 EAST ALGONQUIN ROAD  
SCHAUMBURG, IL 30196

EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

20

# Office Action Summary

Application No.

09/274,941

Applicant(s)

SPEAR ET AL.

Examiner

Hyun, Soon D.,

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-17 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re Independent Claims 15 and 23, the specification lacks "splitting the multimedia streams".

As specification and fig. 3 discloses the individual channel (de)coders are associated video, voice, and data. The specification lacks how the multimedia components are splitted.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lou et al U.S. Patent Number 6,370,666.

Re Claims 1, 18, fig. 2 teaches receiver 50 comprising channel decoders 64, 70 (Receiving & decoding plurality of streams) wherein the 64 is associated with audio (content), 70 is associated video (content) to be combine by Combiner 66 and formed at Speaker/Display 72 (See col. 5, lines 18-33) (multimedia) and the supporting network is the Internet (session) (See col. 1, line 28); each of the channel decoders 64, 70 perform FEC operations (layer 2 functionality).

Re Claims 2, 17, 20, 22, refer to Claim 1, wherein the network is wireless.

Re Claims 3, 4, refer to Claim 1, wherein the Internet supports wireless session for initiating transport of packets between receiver and transmitter (alerting a mobile).

Re Claims 5, 6, refer to Claim 1, initiating an IP session is deciding to enter multimedia mode wherein the session supports multimedia transmission.

Re Claims 7, 9 refer to Claim 5, wherein the intended use of the receiver 50 is to be connected to computer 72 wherein the computer includes a display and speaker.

Re Claims 8, 19, refer to Claim 5, wherein the IP session is over Internet (network).

Art Unit: 2663

Re Claims 10-14, refer to Claim 9, it is inherent that the computer alerts the mobile to enter multimedia mode because the computer is directed connected to mobile for communicating an IP session.

Re Claims 15, 16, 21, 23, refer to Claim 1, wherein the program source splits the video and audio (14 & 16); channel coders 18, 22 (applying channel coding); transmitter 32.

Re Claim 24, refer to Claim 1, the wireless network includes plurality of base stations and controller for coverage.

Re Claims 25, 26, refer to Claim 1, wherein the inputs to 64, 70 are ports.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lou et al U.S. Patent Number 6,370,666.

Re Claim 27, Lou et al fails to explicitly teach the third data port. Examiner takes official notice that multimedia applications supports support various combination of video, voice and data. As Lou teaches transmitting voice and video, one skilled in the art would have been motivated to include data port to fig 2 to be adaptive to plurality of applications, such as data sharing. Therefore, it would have been obvious to one ordinary skilled to include the data port in Lou et al.

Art Unit: 2663

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Dynarski et al us 6,272,129 teaches a wireless network supporting multimedia IP PPP session.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun, Soon D whose telephone number 703-305-4550. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*h*  
Hyun, Soon D  
February 23, 2003

*Chau T. Nguyen*  
CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600